



Case No. 1:11-CV-1822  
Gwin, J.

to court records preserves “the rights of the public, an absent third party”). “Thus, documents filed in the court generally must be made available to the public.” [\*Carter v. Welles-Bowen Realty, Inc.\*, 628 F.3d 790, 791 \(6th Cir. 2010\)](#).

Moreover, the fact that all parties jointly seek a protective order or propose a confidentiality agreement does not overcome the general rule against sealing cases and documents. See [\*Proctor & Gamble Co.\*, 78 F.3d at 227](#) (warning district courts against “abdicat[ing their] responsibility to oversee the discovery process and to determine whether filings should be made available to the public” and against “turn[ing] this function over to the parties,” which would be “a violation not only of Rule 26(c) but of the principles so painstakingly discussed in *Brown & Williamson*”).

A successful protective order motion must show specifically that disclosure of particular information would cause serious competitive or financial harm. See, e.g., [\*Brown & Williamson\*, 710 F.2d at 1179-80](#). Here, the Defendants fail to meet this standard: they do not provide a single reason why the deposition and exhibits are confidential other than to say that Fiserv’s lawyer asked that they be labeled as such. [See Doc. [35](#).] To the contrary, it seems rather unlikely that the pertinent deposition testimony (that is, how Fiserv processed Plaintiff Rega’s payment to the Defendants) involves any confidential or trade secret information at all.

Accordingly, the Court **DENIES** the motion to seal.

IT IS SO ORDERED.

Dated: July 23, 2012

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE